

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 30, 2008

DIVISION ONE

B201482 Los Angeles County, D.C.S. (Not for Publication)
 v.
 James H.

The appeal is dismissed.

Vogel (Miriam A.), Acting P.J.

We concur: Rothschild, J.
 Jackson, J. (Assigned)

B195842 Sarkis Baghikian (Not for Publication)
 v.
 Iman Gibson

The judgment is affirmed. The motion for sanctions is denied. Respondent shall recover his costs of appeal.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.
 Jackson, J. (Assigned)

April 30, 2008 (Continued)

DIVISION ONE (continued)

B200091 Gloria Takahashi (Not for Publication)
 v.
 John Delap

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
 Rothschild, J.

B193621 Mary Sullens (Not for Publication)
 v.
 Michael Sullens

The judgment is modified by deleting the order for Michael to reimburse Mary \$14,115 for child support payments made on behalf of Michael's children from a prior marriage and, as modified, the judgment is affirmed, as is the attorney fee order. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

B192574 Michael R. Bennett et al.
 v.
 Estate of Leo Erickson

Filed order denying petition for rehearing.

DIVISION THREE

B201592 Lawrence Phillips (Not for Publication)

v.
Superior Court, Los Angeles County
(The People, r.p.i.)

The petition for writ of mandate is denied.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B173223 People (Not for Publication)

v.
Carlos Miguel Iraheta

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B198139 Antelope Valley Press (Certified for Publication)

v.
California Insurance Commissioner, et al.

The judgment from which AVP has appealed is affirmed. Costs on appeal to the Commissioner and State Fund.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (continued)

B195782 People (Not for Publication)
v.
Anthony Durden

The judgment is modified to award Darden 433 days of actual presentence custody credit. (Pen. Code, § 2900.5, subd. (a).) The Clerk of the Superior Court is directed to prepare an amended abstract of judgment and forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B195816 Affordable Shelters, Inc. (Not for Publication)
v.
AMCAL Multi-Housing, Inc.

The judgment is modified by striking the award of prejudgment interest in the amount of \$224,112.70, thus reducing the total amount awarded, including costs, to \$413,773. The judgment, as so modified, is affirmed. AMCAL is entitled to recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (continued)

B195974 Miller (Not for Publication)
v.
Chavez, et al.

The judgment is reversed with directions to conduct a complete new trial on the cross-complaint against both Miller and New Vision. The order denying the motion for judgment notwithstanding the verdict is affirmed. Each party is to bear its own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B194593 Benjamin (Not for Publication)
v.
Superior Court, Los Angeles County
(Rafie, et al., r.p.i.)

The petition for writ of mandate is granted in part and denied in part. Let a peremptory writ of mandate issue directing respondent superior court to vacate its orders insofar as they sustained the demurrers to the causes of action in the first amended complaint for quiet title and the third amended complaint for fraud, and insofar as they granted the motion to dismiss the cause of action in the second amended complaint for constructive trust and an accounting, and insofar as they granted the motion for summary adjudication; in their stead, respondent superior court is directed to enter new orders (1) overruling the demurrers to the quiet title and fraud causes of action, (2) denying the motion to dismiss for forum non conveniens, and (3) denying the motion for summary adjudication. In all other respects, the petition for writ of mandate is denied. Appellant/petitioner is to recover costs in this proceeding.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B194144 Scott Tranter & Crazy Otto's Diner (Not for Publication)
v.
Pius Joseph

The order denying the anti-SLAPP motion is affirmed. Respondents are awarded their costs on appeal.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B202175 Min et al. (Not for Publication)
v.
Tanaka

The order denying Tanaka's request for a fee award is reversed, and the matter is remanded to the trial court to determine the amount of fees to be awarded in accordance with this opinion. The order denying Tanaka's anti-SLAPP motion with respect to the fifth, sixth, and seventh causes of action in respondent's complaint is otherwise affirmed in all respects. Tanaka shall receive an award of costs on appeal. Upon remand, the trial court is directed to adjust the amount of costs to be awarded to reflect her partial success on appeal.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

DIVISION FIVE

B198477 Terry Hoffman, et al., (Not for Publication)
 v.
 Uncle P. Productions, LLC, et al.,

The judgment with respect to Devenney's minimum wage claims and sections 212/225.5 claim is affirmed, as is the judgment on appellants' causes of action under section 226 and the award of attorney fees. The judgment with respect to appellants' section 203 continuing wages claims as well as Hoffman's minimum wage claims is reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion. Costs are awarded to appellants.

Armstrong, Acting P.J.

I concur: Kriegler, J.

I concur and dissent: Mosk, J. (Opinion)

DIVISION SIX

B198255 Dominguez (Not for Publication)
 v.
 Lindberg

The judgment is affirmed. Respondent shall recover costs.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (continued)

B205619 San Luis Obispo County Department of Social Services
v.
Rachel H.
In the Matter of Joshua H. and John H., Minors

The Court:

Pursuant to stipulation of the parties, the order of January 23, 2008, terminating Appellant's parental right to Joshua H. and John H. is conditionally reversed, and the matter is remanded so that the juvenile court may direct respondent Department of Social Services to give notice to the identified Cherokee tribes after interviewing extended family members in compliance with the Indian Child Welfare Act ("ICWA"). If no tribe finds that the child falls within the meaning of ICWA within 60 days of notice, the juvenile court shall reinstate the order terminating parental rights. After proper notice, if the court determines that Joshua H. and John H. are subject to the ICWA, the juvenile court shall conduct further appropriate proceedings and apply the law applicable to the children. The clerk of this court shall issue the remittitur forthwith.

B193481 De Balkany (Not for Publication)
v.
Mission Plaza Townhomes

The orders of the trial court are affirmed. Respondents are to recover costs and attorney fees on appeal..

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

April 30, 2008 (Continued)

DIVISION SIX (continued)

B195622 The People (Not for Publication)
v.
Aristondo

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

DIVISION SEVEN

B196432 Estrada et al., (Not for Publication)
v.
Bello et al.,

The judgment is affirmed. Each party is to bear his or her own costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Flier, J., Egerton, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B199061 People v. Allende
B200464 People v. Lombera
B205783 Jose A. v. SCLA (DCFS)

Argument waived, cause submitted.

DIVISION EIGHT (continued)

B183101 People
 v.
 Arredondo

Merits:
Argued by A. William Bartz, Jr. for appellant and by Timothy Weiner,
Deputy Attorney, for respondent. Cause submitted.

B195996 People
 v.
 Nelson

Merits:
Argued by Maxine Weksler for appellant and by Michael Katz, Deputy
Attorney General, for respondent. Cause submitted.

Flier, J. left the bench.

B200752 Los Angeles County, D.C.S.
 v.
 Dominick M.,
 In Re Soleil S., a Person Coming Under Juv. Court Law

Merits:
Argued by Michael A. Salazar for appellant and by Tracey F. Dodds,
Deputy County Counsel for . Cause submitted.

B198750 Douglas J. Equils
 v.
 Ozlem Equils

Merits:
Argued by Hugh A. Lipton for appellant and by Douglas G. Bendeon for
respondent. Cause submitted.

Flier, J. returned to the bench.

DIVISION EIGHT (continued)

B198657 Ocean Towers Housing Corporation
 v.
 Richard Stone

Merits:

Argued by Maxine J. Lebowitz for appellant and by Roger P. Heyman for respondent. Cause submitted.

B202017 People
 v.
 Diaz

Merits:

Argued by Roger J. Diamond for appellant and by Douglas L. Wilson, Deputy Attorney General for respondent. Cause submitted.

Rubin, J. left the bench

B200230 Patel
 v.
 Sagar et al.,

Merits:

Argued by Jasdeep Ahluwalia for appellants and by Carol L. Vallely for respondent. Cause submitted.

Rubin, J. returned to the bench.

Flier, J. left to the bench.

B196223 Carson Gardens, LLC
 v.
 City of Carson Mobilehome Park Rental Review Board

Merits:

Argued by C. William Dahlin for appellant and by William Wynder for respondent. Cause submitted.

DIVISION EIGHT (continued)

Flier, J. returned to the bench.

Egerton, J. (Assigned) left the bench.

B192743 People
 v.
 Crabtree

Merits:

Argued by David Goodwin for appellant and by William Shin, Deputy Attorney General for respondent. Cause submitted.

Rubin, J. Left the bench.

Egerton, J. returned to the bench.

B198323 Anthony M. Glassman
 v.
 Valerie T. Glassman
 In Re Marriage of Anthony & Valerie Glassman

Merits:

Argued by Robert Olson for appellant and by Fred Silberberg for respondent. Cause submitted.

Court adjourned.

B194372 Enpalm, LLC, et al., (Certified for Publication)
 v.
 The Teitler Family Trust, etc., et al.,

For the reasons set forth above, the attorney fee award is affirmed.
Respondents shall recover their appellate costs.

Rubin, J.

I concur: Egerton, J. (Assigned)
I dissent: Cooper, P.J. (Opinion)

DIVISION EIGHT (continued)

B192451 People
 v.
 Anthony Zelaya

Filed order vacating submission order of January 29, 2008. Cause resubmitted.

B193068 People
 v.
 Angelo Roberts

Filed order vacating submission order of January 29, 2008. Cause resubmitted.

B191254 People
 v.
 Triyon Jones

Filed order vacating submission order of January 29, 2008. Cause resubmitted.

B187840 Ritter & Ritter, Inc. etc., et al.,
 v.
 The Churchill Condoninium

Filed order vacating submission order of January 30, 2008. Cause resubmitted.